



10-28-02

AF/6P362g
#12 W
11-2-02 \$

PATENT APPLICATION 09/327,085

Box Appeal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Joseph BACH

APPLN. NO. 09/327,085

Group Art Unit: 3629

FILED: June 4, 1999

Examiner: VIG, Naresh

ENTITLED: SYSTEM AND METHOD FOR SOLICITING
AND RECEIVING MERCHANDISE ORDERS



RECEIVED

NOV 05 2002

NOTICE OF APPEAL

AND

PETITION FOR EXTENSION OF TIME

27460

PATENT TRADEMARK OFFICE

GROUP 3600

Box Appeal

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Express Mail Receipt No. EU185074335US

Date of Deposit October 28, 2002

Signature [Signature]

In response to the Final Office Action dated June 28, 2002, Applicant submits this Notice of Appeal with a petition for extension of time of one month. A check for the small entity appeal fee (\$160 under 1.17(b)) and one month extension of time (\$55 under 1.17(a)(1)) is submitted herewith. Applicant petitions for any further extension of time that may be required to maintain this application alive.

CLARIFICATION

In the Advisory Action dated October 15, 2002, The Examiner marked sections 2(c), i.e., "The proposed amendment will not be entered because they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal." On the other hand, in paragraph 7 the Examiner indicated that the claims being rejected are claims 1,

10/30/2002 JADD01 00000004 09327085

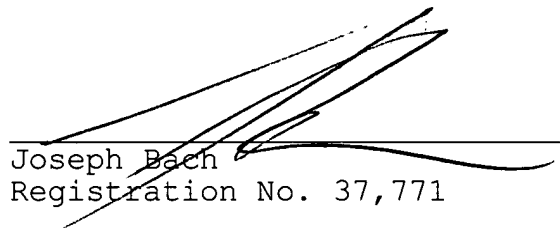
01 FC:2401
02 FC:2251

160.00 OP
55.00 OP

2, 5, and 6. This is a contradictory, since in the final office action claims 1, 2, 5, 6, 10 and 12 were rejected, and in the proposed amendment claims 10 and 12 are being cancelled. Therefore, it appears that the Examiner did enter the amendment. Moreover, since the amendment cancels two claims, it can't be said that it does not reduce the issues for appeal.

The Examiner failed to mark paragraph 7, i.e., failing to indicate whether the amendment will be entered for the purpose of appeal. As noted above, since the amendment cancels two claims, it clearly reduces and simplifies the issues for appeal and, therefore, must be entered.

Respectfully submitted,



Joseph Bach
Registration No. 37,771

17460 Lakeview Drive
Morgan Hill, CA 95037
(408) 782-1954
fax: (408) 782-9931
Date: October 26, 2002